

REMARKS

This Amendment After Final is filed in response to the Final Office Action mailed Dec. 27th, 2007. The Applicant respectfully requests reconsideration in light of the below discussion. All objections and rejections are respectfully traversed.

Claims 1, 4-11, 13-19, 22-29, 31-37, 40-47, 49-54 are pending in the case.

No claims have been added or amended.

Double Patenting

At pages 2-3 of the Final Office Action claims 1, 4, 5, 19, 22, 23, 37, 40 and 41 were rejected on the grounds nonstatutory obviousness-type double patenting over claims 1, 4, 5, and 12 of U.S. Patent No. 6,687,750. The Applicant notes that U.S. Patent No. 6,687,750 is the parent of the present application.

A terminal disclaimer is filed herewith over U.S. Patent No. 6,687,750. As such, the double patenting rejection is believed to be overcome.

Claim Rejections - 35 U.S.C. §103

At pages 4-6 of the Final Office Action, claims 1, 5, 9, 13, 16, 19, 23, 27, 31, 34, 37, 41, 45, 49, and 52 were rejected under 35 U.S.C. §103(a) over Rakoshitz et al., U.S. Patent No. 6,578,077 (hereinafter “Rakoshitz”), in view of Battat et al., U.S. Publication No. 2002/0013837 (hereinafter “Battat”).

The Applicant’s claim 1, representative in part of the other rejected claims, sets forth:

1. A method for graphically presenting characteristics of data traffic on a distributed computer network, comprising:

- monitoring traffic on said network;
- selecting a characteristic of said traffic for display;
- obtaining a plurality of values of said characteristic for selected time intervals within a larger time interval;

presenting said characteristic by playing a rapid succession of graphical images, each graphical image representing said network as nodes connected by lines, said lines representing traffic flow between nodes, each graphical image graphically representing the value of said characteristic at

a particular selected time interval within the larger time interval with a property of at least one line of said lines, said property indicating a value of said characteristic.

Rakoshitz discusses a traffic monitoring tool with a display having two portions. “[T]he first portion displays a graphical chart representing the flow of information. The second portion displays text information describing aspects of the flow of information.” See col. 2, lines 49-53. The graphical chart may be a line chart (see Fig. 13, “line plot” 1304 and col. 20, lines 21-22), a bar chart, a pie chart, etc. (see col. 20, lines 38-39). In the line chart embodiment, shown in Fig. 13, the vertical axis represents bandwidth and the horizontal axis represents time. See col. 20, lines 19-20.

Battat discusses a virtual reality environment for managing network components. “Photo-realistic” images of buildings, rooms, computers and internal components of computers are rendered. See paragraphs 0109-0110. A user may selected a device with a “targeting reticule.” See paragraphs 0113-0114.

Neither Rakoshitz nor Battat teach or suggest the claimed ***“presenting said characteristic by playing a rapid succession of graphical images, each graphical image representing said network as nodes connected by lines, said lines representing traffic flow between nodes, each graphical image graphically representing the value of said characteristic at a particular selected time interval within the larger time interval with a property of at least one line of said lines, said property indicating a value of said characteristic.”***

The Applicant novelly presents a “movie clip” like display of a rapid succession of graphical images, each graphical image graphically representing the value of a characteristic at a particular selected time interval within a larger time interval. To illustrate the Applicant’s novel technique, the Applicant respectfully directs the Examiner’s attention to the succession of example graphical images shown in Figs. 4A to 4D of the drawings. In the graphical images, a network is represented as nodes 402, 404, 406, 408, 410 connected by lines (unlabeled), which represent traffic flows between the nodes. A char-

acteristic of the traffic is represented with a property of a line, for example, displaying a line as thicker, as is done in Fig. 4C.

The Office Action relies upon Rakoshitz to show the claimed *“graphical image ...[with] nodes connected by lines, said lines representing traffic flow between nodes, each graphical image graphically representing the value of said characteristic at a particular selected time interval within the larger time interval with a property of at least one line of said lines, said property indicating a value of said characteristic.”* However, Rakoshitz simply shows a line chart (line plot). In Rakoshitz’s line chart, a chart line indicates bandwidth relative to time. See Rakoshitz Fig. 13, “line plot” 1304 and col. 20, lines 21-22. The Applicant respectfully urges that there are no structures in Rakoshitz’s chart that may be fairly considered *“nodes.”* As such, Rakoshitz rapidly diverges from what is claimed.

Further, even if the Examiner disagrees and believes that the changes in direction of in Rakoshitz’s chart line could be considered *“nodes,”* Rakoshitz’s chart line does not represent traffic flow between changes in direction of the chart line. That is, even if the Examiner interprets some portion of Rakoshitz’s chart line as akin to a node, Rakoshitz chart line does not include any *“lines representing traffic flow between nodes.”* Thus, when “nodes” is given a consistent interpretation, it becomes clear the Rakoshitz does not suggest the features claimed.

In addition, the deficiencies of Rakoshitz are not remedied by combination with Battat. While Battat discusses rendering “photo-realistic” images of buildings, rooms, computers and internal components of computer (see paragraphs 0109-0110), Battat does not suggest the claimed *“graphical image ...[with] nodes connected by lines, said lines representing traffic flow between nodes, each graphical image graphically representing the value of said characteristic at a particular selected time interval within the larger time interval with a property of at least one line of said lines, said property indicating a value of said characteristic.”*

Accordingly, the Applicant respectfully urges that the combination of Rakoshitz and Battat is legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant's claimed novel *"presenting said characteristic by playing a rapid succession of graphical images, each graphical image representing said network as nodes connected by lines, said lines representing traffic flow between nodes, each graphical image graphically representing the value of said characteristic at a particular selected time interval within the larger time interval with a property of at least one line of said lines, said property indicating a value of said characteristic."*

At pages 6-7 of the Final Office Action, claims 4, 6, 22, 24, 40 and 42 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Reichert et al., U.S. Patent No. 5,720,022 (hereinafter "Reichert").

At pages 7-8 of the Final Office Action, claims 7, 8, 25, 26, 43, and 44 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Tonelli et al., U.S. Patent No. 5,821,937 (hereinafter "Tonelli").

At pages 9-10 of the Final Office Action, claims 10, 11, 28, 29, 46, and 47 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Jacoby, U.S. Patent No. 5,768,552 (hereinafter "Jacoby").

At pages 10-11 of the Final Office Action, claims 14, 15, 17, 32, 33, 35, 50, 51, and 53 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Reps et al., U.S. Patent No. 6,070,190 (hereinafter "Reps").

At page 11 of the Final Office Action, claims 18, 36, and 54 were rejected under 35 U.S.C. §103(a) over Rakoshitz in view of Battat, in further view of Trcka et al., U.S. Patent No. 6,453,345 (hereinafter "Trcka").

The Applicant notes that these claims are dependent claims that depend from independent claims believed to be allowable for at least the reasons discussed above.

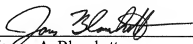
Accordingly, these claims are believed to be allowable due to their dependency, as well as for other separate reasons.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

In summary, all the independent claims are believed to be in condition for allowance and therefore all dependent claims that depend there from are believed to be in condition for allowance. The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


James A. Blanchette
Reg. No. 51,477
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500